

REMARKS

Claims 1-21 are pending in the present application.

Claims 1-12 are rejected under 35 U.S.C. § 101. The Examiner provides two grounds for this rejection. First, the Examiner states that “in performing the steps of the claimed subject matter, there is no requirement that a machine be used”; second, the Examiner asserts that the “claimed subject matter may be performed using only human intelligence.” Both assertions are false. The claim calls for sorting the records into first and second sub-files. The records are themselves made of digitized images and data. The sorting of electronic records cannot occur through direct and exclusive human intervention; by their very nature as electronic media such records can be sorted only through the mediation of a processing device. Put more concretely, a human being cannot directly touch or see a record such as the one that is recited in the claim because such records are electronic. A human being can only see a visual representation of a record on a screen, but the claim is not directed to a visual representation of the record. It is directed to the record itself, which consists of electronic data and thus can only be manipulated and read by a device suited for reading and manipulating electronic data. For instance, the sorting step is not a physical sorting step, but an electronic one. Electronic, not physical, records are being sorted one way or another based on the electronic content of the records. The content of the records is not directly accessible by a person, since the content must be read by a machine for the sorting to occur. Therefore, it is not true that a human being, without the assistance of any computer, could perform any of method claims 1-12. Accordingly, withdrawal of this rejection is requested.

Claims 1-12 and 16-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Published Application No. 2005/0171899 to Dunn et al. (“Dunn”) in view of U.S. Published Application No. 2005/0108167 to Cordery et al. (“Cordery”). The Examiner admits that Dunn does not teach sorting the records into first and second sub-files. The Examiner believes this

feature is taught in Cordery, particularly in paragraph [0018]. This paragraph is reproduced below:

As another example, the priority order number could be based on how the checks 40 are to be physically processed. For example, some customers want to receive the actual cancelled checks 40, while others may prefer to receive only images of the cancelled checks 40, while others may prefer to receive just the data from the checks 40, i.e., check number, payee, amount and date. Customers that do not usually receive the actual cancelled checks may wish to receive a particular check for evidence of payment or for their own personal records. Thus, the system 10 can separate and sort the checks 40 based on what the customer desires to receive with the account statement. For example, the customer may only desire to receive checks for certain amounts or to specific payees or types of payees. Thus, the sort priority order number could be based on the amount of the check, i.e., the monetary amount indicated in the courtesy field or the legal amount field, or the payee or type of payee, i.e., business payee, individual payee, etc. As another example with respect to physical processing, the priority order number could be based upon the need to treat particular accounts or even checks separately, such as, for example, in the case of investigations being performed by the bank or governmental agency. The priority order number could also be based on the type of account. For example, commercial accounts may have specific deadlines that need to be met for accounting purposes, and therefore must be separated from personal accounts.

What this describes is a physical sorting of checks 40, not a sorting of electronic records containing digitized images and associated data pertaining to checks. In Cordery, paper checks are physically sorted into different bins 32 depending on various criteria like “priority order number.” The passage above even states that the checks 40 “are to be physically processed.” This does not meet the claim because the sorting step recited therein is not of physical checks, but of electronic records that are sorted into different sub-files (again, an electronic instead of physical medium). Had Cordery taught this step, then database 20 would be divided into different sub-files into which records of checks 40 would be sorted. Database 20, however, stores no such sub-files, but instead stores sorting criteria for controlling the physical sort of the paper checks 40. Therefore, in view of this discussion, withdrawal of this rejection is requested.

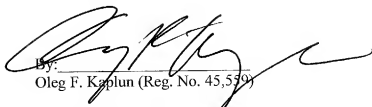
Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dunn in view of Cordery and U.S. Published Application No. 2007/0029376 to Stoutenburg et al. ("Stoutenburg"). Since Stoutenburg does not overcome the deficiencies noted above with respect to Dunn and Stoutenburg, withdrawal of this rejection is requested.

Claims 13-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stoutenburg in view of Cordery. These claims are patentable for the same reasons given above. That is, Cordery does not teach a first electronic file for digitized image and associated data relating to one type of check, and a second electronic file for image and data relating to another kind of check. As explained above, Cordery teaches only physical sorting of checks and thus does not overcome the deficiencies acknowledged by the Examiner to exist in Stoutenburg.

All issues having been addressed, Applicants submit that this application is in condition for allowance.

Respectfully submitted,

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